

FOLEY & LARDNER  
ATTORNEYS AT LAW  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278  
11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CALIFORNIA 92130  
TELEPHONE: (858) 847-6700  
FACSIMILE: (858) 792-6773  
WWW.FOLEYLARDNER.COM

#4

## FACSIMILE TRANSMISSION

RECEIVED

23 NOV 2001

Legal staff  
International DivisionTotal # of Pages 16 (including this page)

TO:	PHONE #:	FAX #:
Deborah D. Williams Assistant Commissioner for Patents BOX PCT	(703) 305-3744	(703) 305-3230

From : Joy Day for Stephen E. Reiter <i>SEA</i>
Sender's Direct Dial : (858) 847-6753
Date : November 8, 2001
Client/Matter No : 028614-1001
User ID No : 1877

## MESSAGE:

Per our telephone conversations of yesterday and today, here are the documents previously submitted on January 31, 2001 in response to the Notification of Missing Requirements for U.S. Application Serial No. 09/647,661 (International Application No. PCT/US99/07546).

If there are any problems with this transmission or if you have not received all of the pages, please call (858) 847-6700.

Operator:	Time Sent:	Return Original To: Joy Day
-----------	------------	--------------------------------

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

EXPRESS MAIL LABEL NO. EL 617 036 164 US

DATE MAILED: 01-31-01

PATENT ATTORNEY DOCKET NO.: DALHO1270-2

The Patent and Trademark Office date stamp sets forth the receipt date of:

Applicant or Patentee: Goodwin and Hoffman

Filing or Issue Date: 09-29-00

Serial No.: 09/647,661

Title: NITROREDUCTASE AND THERAPEUTIC USES THEREFOR

☒ Response to Notice To File Missing Parts (in duplicate)☒ Copy of Notification of Missing Requirements Under 35 USC 371☒ Petition for Extension of Time (2 Mos) [2 pgs]☒ Declaration For Patent Application [3 pgs]☒ Power of Attorney By Assignee [2 pgs]☒ Assignment/Recordal Cover Sheet [3 pgs]☒ Change of Attorney's Address In Application [1 pg]

Atty/Sec Initials: LAH/RJI:lly

Client/Matter No.: 102941-1

Date Due: 01-31-01

RECEIVED

FEB 08 2001

GRAYCARY/GT PATENT

JC08 Rec'd PCT/PTO 31 JAN 2001

PATENT  
ATTORNEY DOCKET NO.: DALHO1270-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Goodwin and Hoffman      Art Unit: Unassigned  
Application No.: 09/647,661      Examiner: Unassigned  
Filed: September 29, 2000  
Title: NITROREDUCTASE AND THERAPEUTIC USES THEREFOR

BOX PCT  
Commissioner of Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

Enclosed are items 1-4 in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed October 31, 2000. Applicant also submits with this response, items 5-7:

1. A copy of the Notice to File Missing Parts of Application mailed October 31, 2000;
2. An executed Declaration For Patent Application [3 pgs];
3. Power of Attorney By Assignee [2 pgs];
4. Petition for Extension of Time (2 Months) [2 pgs];
5. Assignment and Recordation Form Cover Sheet;
6. Change of Attorney's Address In Application; and
7. Return postcard.

CERTIFICATION UNDER 37 CFR §1.8		
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on this date <u>January 31, 2001</u> , and is addressed to: Box PCT Commissioner for Patents, Washington, D.C. 20231		
Mikhail Bayley		
Name of Person Mailing Paper		
Signature <u>Mikhail Bayley</u>	Date <u>01/31/2001</u>	EL617 036 164 US
Gray Cary/GT6223047.1		Express Mail Label No.
102941-1		

In re Application of:  
Goodwin and Hoffman  
Application No. 09/647,661  
Filed: September 29, 2000  
Page 2

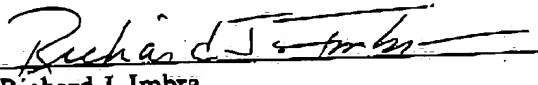
PATENT  
Attorney Docket No.: DALHO1270-2

The Commissioner is hereby authorized to charge payment of the total fee of \$300.00; which includes \$195.00 for the three-month extension of time fee, \$65.00 surcharge fee for missing parts of the application, \$40.00 recordation fee for one (1) assignment, and any additional fees that may be associated with this communication or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 C.F.R. 1.16.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,

Date: January 31, 2001

  
Richard J. Imbra  
Reg. No. 37,643  
Telephone: (858) 677-1496  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189

SUITE 1000  
4365 EXECUTIVE DRIVE  
SAN DIEGO, CA 9212

89

GRAYCARY/GT PATENT

NO. 0682 P. 5
06 APR 99 06 APR 98
DATE MAILED: 31 OCT 2000

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494).  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language  
☒ English.  
☐ Translation of the international application into English.  
☐ Oath or Declaration of Inventors(s) for DO/EO/US  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_  
☐ Information Disclosure Statement(s), filed \_\_\_\_\_ and \_\_\_\_\_  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_  
☐ Verified Statement Claiming Small Entity Status.  
☐ Priority Document.  
☒ Copy of the International Search Report ☐ and copies of the references cited therein.  
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

☐ PCT/DO/EO/917

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

☐ Notice of Defective Translation

Deborah Williams

Telephone: 763-305-3744